

## Message Text

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PAGE 01 STATE 304821  
ORIGIN L-03

INFO OCT-01 ARA-10 ISO-00 CA-01 JUSE-00 /015 R

DRAFTED BY L/M:GALEHNER:JBM

APPROVED BY L/M:KEMALMBORG

ARA/CEN - L. PHEIFEL

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FM SECSTATE WASHDC

TO AMEMBASSY GUATEMALA IMMEDIATE

C O N F I D E N T I A L STATE 304821

E.O. 11652: GDS

TAGS: PDIP

SUBJECT: EXTRADITION - JORGE ZIMERI

REF: (A) GUATAMALA 6683, (B) STATE 257L2L

1. DEPARTMENT HAS RECEIVED EXTRADITION DOCUMENTS FROM GUATAMALA EMBASSY IN THE ZIMERI CASE. BEFORE PROCEEDING FORMALLY WITH CASE, DEPARTMENT NEEDS BACKGROUND ON ZIMERI.

2. EXTRADITION REQUEST RELATES TO THE ALLEGED MURDER OF LT. WALDEMAR OROSCO DE LEON. THE DOCUMENTS CHARGE ZIMERI WITH MURDER OF OROSCO. PAPERS ALSO INDICATE THAT OROSCO AND ZIMERI WERE FRIENDS AT ONE POINT AND WOULD ATTEND MEETINGS TOGETHER.

3. DEPARTMENT IS CONCERNED ABOUT ARTICLE IV OF EXTRADITION TREATY WITH GUATAMALA WHICH FORBIDS EXTRADITION WHEN THE REQUEST IS FOR A POLITICAL CRIME OR "OF ONE CONNECTED WITH SUCH A CRIME OR OFFENSE."

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4. IN GENERAL, U.S. COURTS CONSTRUE THE TERM "POLITICAL OFFENSE" NARROWLY. POLITICAL OFFENSE INCLUDES TREASON, SEDITION, ESPIONAGE; IT INCLUDES ACTIVITIES OF AN ORGANIZED GROUP DIRECTED AGAINST THE SECURITY OR GOVERNMENTAL SYSTEM

OF THE REQUESTING STATE. MOREOVER, THE MOTIVE OF THE REQUESTING GOVERNMENT IS NOT CONTROLLING. WHETHER A CRIME

IS A POLITICAL OFFENSE IS TO BE DETERMINED BY THE CIRCUMSTANCES ATTENDING THE CRIME AT THE TIME OF ITS COMMISSION.

5. DEPARTMENT SEEKS EMBASSY'S ASSESSMENT OF CIRCUMSTANCES SURROUNDING THE CRIME FOR WHICH ZIMERI STANDS ACCUSED. DEPARTMENT DOES NOT RPT NOT SEEK FINAL DETERMINATION OF EMBASSY OF WHETHER OR NOT OFFENSE IS POLITICAL. RATHER, DEPARTMENT NEEDS EMBASSY'S VIEW AS TO EVENTS SURROUNDING THE SPECIFIC CRIME AND ANY OTHER BACKGROUND INFO CONCERNING ZIMERI'S ACTIVITIES THAT EMBASSY DEEMS RELEVANT. DEPARTMENT WOULD APPRECIATE EMBASSY RESPONSE AS SOON AS POSSIBLE.

6. CURRENT STATUS OF PROCEEDINGS AGAINST ZIMERI: ZIMERI WILL BE TRIED ON DECEMBER 28 IN MIAMI ON CHARGES OF POSSESSION OF A FIREARM BY ILLEGAL ALIEN. U.S. ATTORNEY PREDICTS TRIAL WILL LAST THREE OR FOUR DAYS. VANCE

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## Message Attributes

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**Review Markings:**  
Margaret P. Grafeld  
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